

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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GREAT LAKES EDUCATION LOAN SERVICES, INC.,

Plaintiff,

-against-

20 **CIVIL** 8050 (GHW)

JUDGMENT

SHELDON BERT LEARY,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum Opinion & Order dated June 22, 2021, "[T]he characterization of a contempt is determined more by the purpose and character of the sanction than by the characterization given by the court below." See *In re Stockbridge*, 158 B.R. at 919. The sanction imposed here was neither compensatory nor coercive. The rhetoric of the Bankruptcy Court's order reveals its punitive character. The portion of the Bankruptcy Court's order requiring Great Lakes to pay \$354,629.62 to DOE is vacated. Because Great Lakes has already paid the challenged amount to DOE, DOE is ordered to return the amount of Great Lakes' payment to Great Lakes. Because the portion of the Bankruptcy Court's order that resulted in the satisfaction of Mr. Leary's debt has been vacated, the Bankruptcy Court's order requiring DOE to report Mr. Leary's debt as having been paid in full is also vacated. Judgment is entered in favor of Great Lakes; accordingly, this case is closed.

Dated: New York, New York

June 23, 2021

RUBY J. KRAJICK

Clerk of Court

BY:

K. mango

Deputy Clerk